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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

OKI AMERICA, INC., ET AL.,

PLAINTIFF,

VS.

ADVANCED MICRO DEVICES, INC.,

DEFENDANT.

C04-03171-CRB

**STIPULATION TO FILE EXPERT
 DECLARATIONS IN SUPPORT OF MOTIONS**

ADVANCED MICRO DEVICES, INC.,

COUNTERCLAIMANT,

VS.

**OKI AMERICA, INC., OKI ELECTRIC
 INDUSTRY CO., LTD., OKI DATA
 CORPORATION AND OKI DATA AMERICAS,
 INC.,**

COUNTER-DEFENDANTS.

1 On September 12, 2006, the Court issued an order prohibiting parties from filing
2 “additional expert supplemental discovery” without leave of Court (Doc. 396). While the
3 parties do not agree whether the Court’s order extends to the submission and consideration
4 of expert declarations in support of *Daubert* and Summary Judgment motions, in order to
5 resolve any ambiguity on the question, the parties hereby request leave of Court to file
6 expert declarations in support of recently filed motions.

7 On September 14, 2006, Oki filed a declaration of Dr. Richard Fair (Doc. 442) in
8 support of its Motion to Grant Partial Summary Judgment of Noninfringement of the ‘678
9 Patent (Doc. 440) and in support of its Motion to Strike Smith Report and Portions of
10 Neikirk Report Under *Daubert* (Doc. 436).

11 Contemporaneous with this motion AMD is filing opposition briefs to both of Oki’s
12 above mentioned motions. AMD seeks to have the declaration of Dr. Bruce Smith
13 considered in support of its oppositions. Dr. Smith’s declaration is submitted in rebuttal to
14 Dr. Fair’s declaration.

15 The parties have previously agreed that AMD would not move to strike Dr. Fair’s
16 declaration filed September 14, provided that Dr. Smith could submit a responsive declaration, and
17 Oki would not oppose filing of a declaration by Dr. Smith, provided that the declaration is limited
18 to the points raised in Dr. Fair’s declaration. For the express purpose of allowing Dr. Smith
19 additional time to coordinate filing a declaration in rebuttal to Dr. Fair’s declaration, the parties
20 have previously stipulated (Doc. 471), and this Court has already approved (Doc. 487) a 1-week
21 extension of the deadline for filing AMD’s oppositions and Oki’s replies concerning the two
22 above-referenced motions.

23 Pursuant to Local Rules 7-11 and 7-12, the parties hereby request that the Court
24 grant Oki leave to file the declaration of Dr. Fair in support of its above-referenced
25 motions, and that it grant AMD leave to file a declaration of Dr. Smith in support of its
26 oppositions to said motions.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

Dated: October 12, 2006

VINSON & ELKINS, LLP

/s/ Adam V. Floyd

Adam V. Floyd

Attorney for Advanced Micro Devices, Inc.

KELLOGG, HUBER, HANSEN, TODD &
EVANS, PLLC

/s/ J. C. Rozendaal

J.C. Rozendaal

Attorney for Oki America, et al.

IT IS SO ORDERED.

Dated: October 19, 2006

Charles R. Breyer
United States District Judge

